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FM AMEMBASSY SANTO DOMINGO
TO RUEHC/SECSTATE WASHDC PRIORITY 9297
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUCOWCV/CUSTOMS CARIBBEAN ATTACHE MIAMI FL PRIORITY
RHMCSSU/FBI WASHINGTON DC PRIORITY
RUEAHLC/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY
RUEFHLC/HQS DHS WASHDC PRIORITY

UNCLAS SANTO DOMINGO 002231

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DEPARTMENT FOR WHA/CAR JAFFEE AND WARD
L/LEI FOR TORRES AND MUELLER
DEPARTMENT OF JUSTICE FOR CRIM/OIA ORJALES AND ESTABROOK
US MARSHALS SERVICE PLEASE PASS TO JIM SCHIELD
DEA FOR OF,OFI,DO,DCO

E.O. 12958: N/A

TAGS: [CJAN](#) [CVIS](#) [KJUS](#) [KCRM](#) [SNAR](#) [DR](#)

SUBJECT: 173RD DOMINICAN FUGITIVE EXTRADITED TO THE UNITED STATES - FY 2007 SUMMARY

REF: STATE 104339

¶1. The following details the most recent fugitive to be extradited from the Dominican Republic and provides an overview of extraditions in FY 2007.

-- Bolivar Ricardo Jaquez

¶2. On October 3, 2007, U.S. Marshals will return Bolivar Ricardo Jaquez (aka Nelson Cruz, Bolivar Lopez) to Massachusetts to serve sentence following a conviction of trafficking cocaine in excess of 200 grams - a charge detailed in Suffolk County indictment number 071339, filed August 2, 1998. Jaquez was sentenced to ten years imprisonment in the Massachusetts Correctional Institute on February 10, 1989, but escaped from that institution on September 24, 1990, before completing sentence.

¶3. This case was brought before the Dominican government on August 1, 2007, by virtue of an Embassy diplomatic note. Approximately one month later, on September 6, 2007, the Criminal Chamber of the Dominican Supreme Court issued a provisional arrest warrant based on the USG request for extradition. On September 27, 2007, Jaquez was apprehended by officers of the Dominican Republic's National Directorate for Drug Control's fugitive apprehension unit working in conjunction with a special FBI-vetted group of Dominican investigators.

¶4. On September 28, Jaquez made a knowing, intelligent, and voluntary waiver of his right to challenge his extradition before the Criminal Chamber of the Dominican Supreme Court.

¶5. The return of Jaquez will mark the 173rd Dominican-national fugitive returned through or in lieu of extradition since 1998, when the first Fernandez administration committed itself to rigorously honoring Dominican obligations made under the 1909 bilateral extradition treaty. He will be the first fugitive returned in Fiscal 2008 and the 17th for CY-2007.

-- FY 2007 Summary

¶6. In FY 2007, the Dominican Republic returned 25 fugitives through or in lieu of extradition (1 self-extradited in lieu of proceedings), 85 percent of whom waived extradition

hearings before the Criminal Chamber of the Dominican Supreme Court and 80 percent of whom were sought for narcotics-related offenses. Additionally, 6 Dominican fugitives either died (accidentally) or were captured outside the Dominican Republic (in one notable case, a capture was effected in Spain following extensive intelligence-gathering and information-sharing by Embassy's locally-resident U.S. Marshals). During the same period, only 20 fugitives were requested for extradition, making a clearance rate for FY 2007 of 155 percent (the overage reflecting the clearance of older cases).

¶7. Despite this success, two disturbing precedents were established during this period. On August 29, 2007, the Criminal Chamber of the Dominican Supreme Court failed to honor a provision within the 1909 Extradition Treaty stating that the only statutes of limitation governing extradition are those "according to . . . the jurisdiction (in) which the crime is committed". (Treaty, Article V) The Court, improperly applying a Dominica statute of limitations regarding sentencing under Section 439 of the Dominican Criminal Procedures Code (2004), found that convicted murderer Juan Astwood had not begun serving sentence within 10 years of the sentence's pronouncement as required under Dominican law. The Court, accordingly, refused to extradite Astwood, effectively rewarding him for his ability to evade capture. Dicta suggests that this precedent may be applied to other Dominican statutes of limitation.

¶8. In an earlier case regarding alleged narcotics traffickers Juan Flete and Lourdes Machuca, the Criminal Chamber of the Supreme Court declared confidential witnesses to be inherently unreliable, and refused to extradite Flete and Machuca based solely on the corroborated testimony of unnamed witnesses. This case strongly suggests that U.S. law enforcement agencies must either directly witness an illegal act (e.g., a controlled buy by undercover agents) or must be willing to provide witness' names in order to have a successful extradition request in the Dominican Republic.
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